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Attorney for Debtor
Ophelia Alvarez

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:) Chapter 13
Ophelia Alvarez,) Bankruptcy No.: 19-30319
Debtor.) **STATEMENT RE: MOTION TO DISMISS**
CASE
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STATEMENT RE: MOTION TO DISMISS CASE

This case will be called for a continued hearing on the trustee's motion to dismiss. The undersigned has been in touch with the trustee's office. Based on those discussions and a certificate of service that was filed last week, it appears that the outstanding issues are as follows, with status:

1. Debtor has not filed a motion to avoid lien: It was recently learned there is actually a co-debtor on the loan for the vehicle, accordingly she will not attempt to value it. I am waiting for contact information for the co-debtor from her, and once I have it will make appropriate amendments to the schedules. The plan needs to be amended for payment reasons as discussed below, and this change will be made at the same time.
2. Schedule D does not include collateral description: An amended Schedule D with the collateral descriptions can be signed and then filed with the new plan discussed below.
3. Debtor has not filed a sufficient post-petition mortgage payments declaration: This has been an ongoing problem that has caused the meeting of creditors to be continued

1 more than once. Debtor has attended the meeting of creditors in person and identified
2 herself, and it was discussed there she needed to bring the mortgage payments due
3 post-petition current to have the meeting go forward. She is trying her best to do so
4 and understands it is not clear if she will receive another continuance.

5 4. Plan payments deficiency – the Trustee’s office informed me late last week debtor
6 is behind on her plan payments. I have discussed with her on several occasions that
7 we could amend the plan in a way that would help her get current on the post-petition
8 payments. Accordingly, we would ask that she be given a date to either a) bring the
9 plan current; or b) file the amended plan.

10 5. Objection by lender – The amended plan should have addressed critical issues the
11 lender had. I have asked their counsel to withdraw the objection. If they do not
12 withdraw the objection, it can be set for a contested hearing in September or October
13 at the latest. September may be difficult since the trustee is not in agreement with
14 debtor’s proposed timeframe to sell her home and the payments are behind.

15 6. Issues about noticing and service of the plan should have all been addressed by the
16 notice and service that occurred in mid-July.

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18 Dated: August 19, 2019

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20 /s/ Jason Honaker

21 Jason Honaker
22 Attorney for Debtor
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